

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF DELAWARE

KEVIN C. BRATHWAITE  
Plaintiff

V

Defendants 10-646-G.M.S.

PERRY PHLEPS, UNKNOWN  
DR. DESROSIERS,  
CAROL BIANCHI, UNKNOWN



SECOND AMENDMENT TO COMPLAINT

Now comes the Plaintiff, KEVIN C. BRATHWAITE, requesting that this honorable court allow him to amend the above entitled Complaint to include defendant, DR. DESROSIERS AND NURSE CAROL BIANCHI.

To support his request this Plaintiff states the following:

1. Medical professionals DR. Desrosiers and Nurse Carol Bianchi are responsible for the acts of medical negligence if possible and it should be mitigation.

that he was in need of  
handcuffs because this plaintiff  
when left unsupervised, due to the  
shoulder injury. DR. Desrosiers  
also stated that she has monitored  
this plaintiff's intake and nothing  
was wrong with the shoulder.

These statements by DR. Desrosiers  
to assist the security staff with  
their efforts to cause this plaintiff  
pain and suffering, and undue  
hardships. After two and a (4 $\frac{1}{2}$ )  
half months of pain and suffering,  
and undue hardships, this plaintiff  
was able to prove that DR.  
Desrosiers did not tell the truth,  
and secretly maintained their  
efforts to cause this plaintiff harm.

After this plaintiff was sent to  
the Dover Medical Center to be  
diagnosed for his chronic back pain.

The back specialist was able to  
determine that this plaintiff has  
extensive damage to the disc in  
his back, and the back specialist  
told this plaintiff that the  
back pain is non-reversible due

to the amount of time that it took  
for an MRI and a diagnosis. too  
Much debris has given around the disc.  
And surgery is no longer an option.  
So the doctor wrote an order for  
the current pain medication to be  
doubled. And the anti-inflammatory  
medication was administered to keep  
the swelling down, around the  
injured area, and a firmer  
mattress was implemented. But  
DR. Desrosiers chose to disregard  
the orders of the back specialist.  
And refuse to allow this Plaintiff  
anything that would alleviate his  
PAIN AND SUFFERING. His deliberate  
indifference is a clear violation  
of this Plaintiff's constitutional  
rights.

ON several occasions during times  
that nurses pass out and distribute  
Medication. This Plaintiff has been  
given the wrong medication by mistake.  
So the Medical staff started to  
require that the nurses crush up  
inmates medication into powder  
before it is given out. But after

the nurses constantly make mistakes with the medication. This plaintiff filed a grievance and requested that any time he is given a pill that needs to be crushed up before he gets it, he needs to see the pill before it is crushed up, so he can be sure that he is getting the correct medication. So the grievance representative came to see this plaintiff and told him that he was absolutely right. He should be allowed to see what he is taking before it gets crushed up. And this plaintiff agreed to sign off on the grievance because it had been resolved. Now eight months later Nurse Carol starts crushing up the medication in another building and then brings the crushed up powder to this plaintiff's door and tells him to take it. After five (5) weeks of filing more grievances and making complaints to the staff, I don't get any relief. DR. DESROSSES then tells the nurses to discontinue my medication all together. The only nurse that did not comply with the proper way to distribute the

AFFIDAVIT

Since the year 2000 the medical department has known that I have a very bad shoulder pain issue. And as a result they have renewed the Memo that requires Security to use two (2) Sets of handcuffs anytime they feel the need to use handcuffs on me. There has never been any type of problems or issues that would require Security to have to change the requirements of the medical memo. After years of the memo being renewed annually. The medical department tried to renew the memo. And the security staff refused to allow the medical memo to be enforced. In the summer of 2008 the pain in my shoulder had gotten so bad that I had to undergo cortizone injection treatment. Since DR. Desroses did not know how to perform the injection treatment a specialist was brought in to perform the treatment. The cortizone injection treatment

WAS done by the specialist in  
the presence of DR. Desrusiers  
and two (2) other medical staff.  
The treatment did not work  
due to the fact that I had a  
degenerative joint disease in  
my shoulder which causes the bones  
in my shoulder to grind together  
when it moves. IN November, 2008  
when it was time for the memo  
for two (2) sets of cuff to be  
renewed, Deputy Warden Klen refused  
to allow the memo to be enforced.  
And due to the medical memo not  
being enforced, I was subjected to  
enormous amounts of PAIN AND  
SUFFERING. AND THIS CAUSED ME  
TO HAVE TO STAY IN MY CELL FOR  
APPROXIMATELY FOUR AND A HALF  
MONTHS. I HAD TO SHOWER IN MY  
CELL BY USING BOWLS OF WATER TO  
POUR OVER MYSELF. I COULDNT  
COME OUT FOR VISITS, RECREATION  
PHONE CALLS, GRIEVANCE HEARINGS OR  
ANY ACTIVITY THAT REQUIRED ME  
TO LEAVE MY CELL. ON February,  
5, 2009 DR. McDonald CALLED THE  
DEPUTY WARDENS OFFICE AND

Demanded that he be allowed to see me. So I was taken out of my cell with the two (2) sets of handcuffs that DR. McDonald said was necessary. And I was taken to the medical station to been seen. DR. McDonald took the time to measure how far the range of motion in my shoulder allowed my arms to go back. And he determined that the two (2) sets of handcuffs were the only way that I would not be subjected to any pain or discomfort.

But the medical memo was still not being enforced. Because DR. Desrosiers lied and told the counselor and the other staff that their was nothing wrong with my shoulder. Even though all of the x-ray results clearly showed that I had degenerative joint disease in my shoulder. After many months, I was able to prove that DR. Desrosier lied, and security started complying with

The Medical Memo to use two(2) sets of handcuffs whenever handcuffs are necessary. But due to DR. Desrosiers lies, I was subjected to months of pain and suffering.

After complaining of having severe back pain for several years, I was finally examined by DR. AMI. And as a result I was given some type of pain medication and sent out to the Dover Medical Center and I was seen by a back pain specialist. DR. Deshuttle ordered an M.R.I and said he would see me again after the M.R.I results returned. After waiting many months, I was finally given the M.R.I by the medical staff at this facility. And after waiting many months to receive the M.R.I results I submitted two(2) more sick call request forms in attempts to get the results. Finally in June, 2010 I was seen by DR. AMI. And after she read the results, she re-ordered my pain medication and made an appointment for me.

to go back to the Dover Medical Center to be seen by the back Specialist. On August, 30<sup>th</sup>, 2010 I was sent back to the Dover Medical Center to be seen by DR. Deshottle. After DR. Deshottle reviewed the M.R.I Results, he told me that I had extensive damage on the disc in my back. And due to the length of time that has passed since the injury occurred, surgery was no longer an option. Because too much debris has grown around the injury. So DR. Deshottle ordered that my pain medication be doubled, an anti-inflammatory medication to keep the swelling to a minimum around the injured disc. And he also ordered that I be allowed to have a firmer mattress. After realizing that the new medication order and mattress order had not been filled, I submitted a medical grievance on Sept, 6<sup>th</sup> 2010. On October, 6<sup>th</sup>, 2010 I had the grievance hearing and my request that the medication and mattress order be filled was denied.

Because, I quote:

(CONSULT recommendations reviewed by DR. Desrosiers on 10/5/10 and she requested that inmate be scheduled for follow-up to discuss consult recommendations.)

The very next day on 10-8-10 I saw DR. Desrosiers in the hallway and I asked one of the officers to please take the grievance paperwork and ask her about what she told the grievance department. And she lied and said that she doesn't know what the grievance department is talking about. And on October, 13<sup>th</sup> 2010 DR. Desrosiers conspired with Nurse Carol Bianchi and discontinued all of my pain medication. Due to their conspiracy to cause me harm, I have been in constant pain. I have filed emergency grievances and regular grievances. And these matters have not been resolved.

I AM MAKING THIS STATEMENT UNDER THE PAINS AND PENALTIES OF PERJURY.

Dated Oct 13<sup>th</sup>, 2010

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Karen R. ~

RELIEF SOUGHT

THIS PLAINTIFF REQUESTS THE  
FOLLOWING RELIEF

1. That these defendants be ordered to pay one hundred thousand dollars (\$100,000) each for undue hardship and deliberate indifference.
2. That these defendants be ordered to pay one hundred thousand dollars (\$100,000) each for pain and suffering.
3. That these defendants be ordered to pay one hundred thousand dollars (\$100,000) for mental anguish.
4. That these defendants be ordered to pay three hundred thousand dollars (\$300,000) in punitive damages.
5. That these defendants be ordered to pay any other relief that this court deems fit and proper.